

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 9, 2002  
HUGHES AUDITORIUM  
6:30 P.M.

**CALL TO ORDER**

Mayor Jennings called the meeting to order at 6:48 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Administrative Services Director; Drew Purvis, Planning Director; Paul Adams, Parks and Recreation Director; Stacey Rice, Senior Planner; Sharyl Beebe, Associate Planner; and Lisa Pope, City Clerk

**FLAG SALUTE**

Bill Keoneker led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

City Attorney Hogin reported that the Council met in closed session at 5:30 p.m. to discuss the following items:

**Existing litigation per Government Code Section 54956.9 (a):**

1. Antario v. City of Malibu  
Los Angeles County Superior Court Case No. BC253990
2. Brown v. City of Malibu  
Ventura County Superior Court Case No. CIV212554
3. Cher v. City of Malibu  
Los Angeles County Superior Court Case No. SS10632
4. Chicksands Properties LTD. v. City of Malibu et al.  
Los Angeles County Superior Court Case No. BS072081
5. City of Malibu v. California Coastal Commission  
Los Angeles County Superior Court Case No. BC230410

6. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)  
Ventura County Superior Court Case No. CIV193900
7. Coffman v. City of Malibu  
Los Angeles County Superior Court Case No. BC246067
8. Darian v. Accent Builders et al.  
United States District Court Case No. 00-10255-FMC(JWJ)
9. Keach v. City of Malibu  
Los Angeles County Superior Court Case No. SS009723
10. Levenson v. City of Malibu et al.  
Los Angeles County Superior Court Case No. SC059037
11. Marine Forest Society v. California Coastal Commission Case No. 00AS00567  
(Sacramento Superior Court) (Amicus)
12. Nese v. City of Malibu  
Los Angeles County Superior Court Case No. SC070775
13. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331
14. Sierra Club v. City of Malibu  
Los Angeles County Superior Court Case No. BS064912
15. Silver v. City of Malibu  
Los Angeles County Superior Court Case No. BC255025
16. Sprint v. City of Malibu et al  
United States District Court Case No. SACV02660 DOC (MLGx)
17. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu  
Los Angeles County Superior Court Case No. BC258432
18. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu  
Los Angeles County Superior Court Case No. BS0735585
19. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu  
Los Angeles County Superior Court Case No. BS072794

**Initiation of Litigation pursuant to Government Code Section 54956.9(c):**

20. Number of cases: 2

**Personnel matters pursuant to Government Code Section 54957:**

21. Public Employee Performance Evaluation  
Title: City Treasurer

**Real Estate negotiation matters pursuant to Government Code Section 54956.8:**

22. Property located at: 3731 Las Flores Canyon Road  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Jack Willis
23. Property located at: County Yards at 3637 Winter Canyon  
City Negotiator: City Manager Lichtig or designee  
Property Negotiator: Los Angeles County Administrative Officer or designee

The City Attorney stated that the Council discussed several but not all items on the posted agenda and took no reportable action.

**APPROVAL OF AGENDA**

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to approve the agenda. The motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the amended agenda for the meeting was posted on August 30, 2002.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

- A. Proclamation Honoring the Heroic Efforts Following the September 11<sup>th</sup> Tragedies and Dedicating September 11<sup>th</sup> as "Always Remember 9-11 Day"

Mayor Jennings read the proclamation honoring the heroic efforts following the September 11<sup>th</sup> tragedies and dedicating September 11<sup>th</sup> as "Always Remember 9-11 Day."

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the proclamation. The motion carried unanimously.

**Moment of Silence Remember the Tragedy on September 11, 2001**

A moment of silence was held.

Mayor Jennings announced the events to be held in the City on September 11, 2002.

B. Introduction of Assistant Fire Chief Paul Schuster and Presentation on Wildfire Preparedness

By acclamation, this item was continued to September 23, 2002.

C. Proclamation declaring September as National Alcohol and Drug Addiction Recovery Month

MOTION Councilmember Barovsky moved and Councilmember Stern seconded a motion to approve proclamation. The motion carried unanimously.

**ITEM 2**

**A. PUBLIC COMMENTS**

Bruce Darian discussed Darian versus Accent Buildings, litigation related to construction of the pier.

Leslie Moss, Chair of Malibu Senior Center Blue Ribbon Committee, provided an update on the progress of the senior center. He requested the City Council approve the letter submitted by the Committee for submission to the newspaper.

Sam Birenbaum discussed his son's accomplishments at West Point. He suggested the City recognize local residents in the military. He discussed local animal control patrol of the beaches.

John Mazza discussed the Niles – Portshead project including dedication of a trail along the eastside of the project. He requested the trail not be accepted.

Ryan Embree discussed the attendance of Caltrans at the September Public Safety Commission meeting. He addressed the Council regarding the need for repainting the crosswalks at local schools each year prior to each school year.

Dermot Stoker recommended the Council recognize the Summer Beach Team with a City commendation.

**B. COUNCIL COMMENTS**

Councilmember Stern asked the status of the Portshead trail. City Attorney Hogin explained the process for vacating the trail. Councilmember Stern indicated support for repainting school crosswalks. He concurred with presenting a commendation to the Summer Beach Team.

Councilmember House indicated support for repainting the crosswalks and for a commendation for the Beach Team. She expressed support for the Senior Blue Ribbon Committee letter being submitted to the newspapers. She expressed appreciation to those serving in the military. She requested the City Manager provide an update on the City's water supplies. City Manager Lichtig discussed water storage and indicated that water conservation efforts allowed the tanks to regain normal storage levels. Councilmember House discussed the use of GIS mapping during the September 11<sup>th</sup> tragedy. She discussed the recent Administration and Finance Subcommittee meetings. She requested an update on the Pier at an upcoming City Council meeting. She encouraged residents to clear brush and take precautions during the fire season.

Mayor Pro Tem Kearsley requested staff provide a report on trash collection fees. He expressed concern regarding a fireworks display at Carbon Beach and indicated a constituent had requested fireworks be limited to National Holidays. He indicated support for the Senior Blue Ribbon Committee letter. He commended Joshua Birenbaum on his accomplishments at West Point.

Councilmember Barovsky requested limitations on fireworks be placed on an upcoming City Council agenda. Mayor Jennings suggested the matter be discussed at the next quarterly meeting. Councilmember Barovsky indicated support for the letter from the Blue Ribbon Committee. She asked about the speed trailer on Civic Center Way. City Manager Lichtig explained that the City's trailer was not yet in use. Councilmember Barovsky expressed concern about the obscenities on the Cookie Cutter show. She agreed that the Beach Team should receive a commendation.

Mayor Pro Tem Kearsley requested a report on the Streisand Center litigation. City Attorney Hogin provided an overview on City of Malibu v. Coastal Conservancy.

Mayor Jennings asked if the Senior Blue Ribbon Committee letter was to be posted on the City's website or mailed to residents. Les Moss indicated the letter was to be provided to the two newspapers and on the City's website.

#### CONSENSUS

By consensus, the Council directed staff to post the Senior Blue Ribbon Committee letter on the City's website and distribute it to the two local newspapers.

Mayor Jennings suggested the Youth Commission recommend commendations for Malibu residents serving in the military. Mayor Jennings asked about repainting of crosswalks. City Manager Lichtig indicated she would discuss the matter with the Public Works Department and report back to the Council.

#### CONSENSUS

By consensus, the Council directed staff to schedule a commendation for the Summer Beach Team.

Mayor Jennings discussed the City's involvement in the Coastal Commission LCP. He announced the Coastal Commission hearing will be held on September 12 at the LAX Westin.

**ITEM 3      CONSENT CALENDAR**

Item No. 3.B.8. was pulled by the public.

Councilmember House pulled Item No. 3.B.9.

**MOTION**      Councilmember Barovsky moved and Councilmember Stern seconded a motion to approve the Consent Calendar with the exception of Item Nos. 3.B.8. and 3.B.9. The motion carried unanimously.

The Consent Calendar consisted of the following items:

**A.      Previously Discussed Items**

1. Second Reading and Adoption of Ordinance No. 232, An Ordinance of the City of Malibu Amending the Subdivision Ordinance, Article X of the Malibu Municipal Code

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 232.

2. Second Reading and Adoption of Ordinance No. 238 Adopting the Malibu Municipal Code

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 238.

**B.      New Items**

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Staff recommendation: 1) To allow and approve warrant demand numbers 19868 through 20021 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 267 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$871,865.33 including ADP payroll voucher 21813172-3196 and 2) To allow and approve warrant demand numbers 20022 through 20112 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 268 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$463,676.91.

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon  
Staff recommendation: Re-affirm the State of Local Emergency by minute order.
4. Approval of Minutes  
Staff recommendation: Approve City Council meeting minutes for the quarterly meeting held on July 24, 2002.
5. Denial of Claim for Damages filed by Michael Heberlein  
Staff recommendation: Deny the claim filed by Michael Heberlein.
6. Transfer of Ownership of Verizon property for Las Flores Park  
Staff Recommendation: 1) Authorize the City Manager to negotiate and execute, on behalf of the City agreements for the transfer of a lot owned by Verizon to the City of Malibu for inclusion in the Las Flores Park project and for the creation of an easement on the lot, and 2) Appropriate funds from Parkland Dedication Fees to cover transfer costs.
7. Amendment to Professional Services Agreement with LSA Associates  
Staff Recommendation: Authorize the City Manager to amend the professional services agreement with LSA Associates to provide additional assistance with respect to the City's Local Coastal Plan and approve the appropriation of an additional \$24,600 from the General Fund Reserve to the Local Coastal Plan, Account Number 100-7001-6171.
10. Endorsement of Statewide Reading Project  
Staff recommendation: Authorize official endorsement to the California Stories: Reading the Grapes of Wrath project by completing the Memorandum of Support.

The following items were pulled from the Consent Calendar for individual consideration:

8. License Agreements for Creation of Two Temporary Dog Parks  
Staff recommendation: Approve the license agreements with Malibu Dog Park Association to allow for the creation of two temporary dog parks.

Parks and Recreation Director Adams presented the staff report.

Sam Birenbaum indicated opposition to the proposed dog park due to safety and environmental pollution.

Al Narvarro allocated his time to Ron Lawrence.

Susan Navarro allocated her time to Ron Lawrence.

Sharon Landry allocated her time to Ron Lawrence.

Ron Lawrence discussed dog parks in other communities. He indicated the Malibu Dog Park Association (MDPA) would provide fencing and funding for the dog park.

John Mazza discussed Malibu Pet Adoption. He discussed the need for dog owners to take their dogs to run off leash.

Councilmember House asked if the City Attorney had reviewed the license agreement. City Attorney Hogin indicated she had.

Councilmember Barovsky asked if the Malibu Dog Park Association had rules regarding cleaning up after dogs. Mr. Lawrence indicated signs would be installed and monitoring would occur. Councilmember Barovsky stated MDPA would pay for insurance and fencing.

Mayor Jennings asked if a monitor would be on site. Mr. Lawrence stated a monitor would be onsite during daylight hours. Mayor Jennings asked if the area would be fenced with a locked gate. Mr. Lawrence stated the gates would be locked at dusk.

Mayor Jennings asked if the proposed locations would be used for something else in the future. Parks and Recreation Director Adams explained the future plans on the School District property. He discussed the intent for a permanent dog park at Trancas Park. Mayor Jennings reiterated that the dog parks were temporary facilities.

**MOTION** Councilmember Stern moved and Councilmember Barovsky seconded a motion to approve the license agreements with the Malibu Dog Park Association to allow for the creation of two temporary dog parks.

**AMENDMENT**

Councilmember House amended the motion to include a sunset clause to review the agreement so that the facilities were not considered permanent.

City Attorney Hogin stated there was a 90 day termination clause.

Councilmember House withdrew her amendment.

The motion carried unanimously.

9. Nominees for the Jake Kuredjian Award for 2002  
Staff recommendation: Approve the proposed list of award recipients for 2002.



Councilmember House expressed concern that the volunteers were to be recognized at the Volunteer Recognition event. She suggested the recognition occur at the City's birthday. City Manager Lichtig stated staff had no opinion as to when they were recognized.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to approve the proposed list of award recipients for 2002 Jake Kuredjian Award with the recognition to occur in conjunction with the City's Birthday Celebration on March 28<sup>th</sup>. The motion carried unanimously.

#### **ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

##### **ITEM 4A**

- A. Appeal No. 02-006 - An Appeal of the Planning Commission's Resolution No. 02-17 Conditionally Approving Plot Plan Review 00-129 and Site Plan Review 00-083 for the Construction of a New Two-Story Single-Family Bluff-Top Residence Above the Base 18-Foot in Height. The City Council will Consider to Public and Private Views of the Pacific Ocean and Consistency with the General Plan Land Use Policy 1.1.5, Land Use Implementation Measure 8 and Land Use Implementation Measure 28. Appellant: Patt Healy and/or Malibu Coalition for Slow Growth; Applicant: Barsocchini & Associates; Owner: Arthur and Kimberly Silver; Location: 24950 Pacific Coast Highway  
Staff recommendation: Adopt Resolution No. 02-38 denying Appeal 02-006 and upholding the Planning Commission's decision to conditionally approve Plot Plan Review 00-129 and Site Plan Review 00-083 (PPR 00-129 / SPR 00-083).

Councilmember Stern left the dais at 7:50 p.m.

Senior Planner Rice presented the staff report.

Patt Healy urged the Council to deny the project. She indicated that the Council must find that public views are protected to the maximum extent feasible and the decision must be in conformance with the General Plan. She discussed the project's impact to the public views. She suggested a one-story residence was feasible and economically viable. She discussed the Coastal Commission's restriction on three other parcels restricting structure height to 18-feet. She discussed properties adjacent to the proposed project. She suggested staff be directed to hire a reputable surveyor to conduct an accurate survey of the story poles. She stated the Council had an opportunity to limit the structure height and preserve a view corridor.

Kevin Kozal, on behalf of the property owner, urged the Council to deny the appeal. He discussed view protection parameters in the Interim Zoning Ordinance and General Plan. He discussed project approvals on adjacent homes. He discussed the development allowable by right which would have greater view blockage. He discussed existing Coastal Commission approvals and indicated

new approvals would be necessary for the new project. He stated a third party surveyor had certified the story poles.

Bill Brantly, architect for the Silvers, indicated he had reviewed the plans and determined the elevations were below 18-feet except for the portions of structure that has two stories. He presented the site plan. He presented a cross section of the proposed project depicting the project below 18-feet in height. He presented a photograph showing the certified story poles.

Ted Vaill stated the project did not protect the public views to the maximum extent feasible. He indicated support for the appeal. He discussed the issue of mansionization and distributed the portion of the Interim Zoning Ordinance regarding structure size.

John Mazza stated the house was not notched into the hill. He stated the story poles indicated the house to be 23 feet in height in portions. He discussed projects surrounding the proposed project. He discussed impacts to the public views.

Ron Goldman addressed the Council in opposition to the proposed project. He suggested alternative designs that would not impact public views. He suggested the Council approve the project but limit mansionization and view obstruction.

Patt Heally stated it would be difficult for the Council to deny the Coastal development permit if it approved the project. She discussed view obstructions. She suggested the City require the structure be limited to one-story. She suggested the Council protect the public views in the view corridor. She submitted written comments.

Kevin Kozal commented on the statements made by the speakers in opposition to the project.

Mr. Brantly discussed the proposed site plan for the project. He discussed the proposed open space in the project which would help protect the view corridor.

Mr. Kozal urged the Council to uphold the Planning Commission's approval and deny the appeal.

Mayor Pro Tem Kearsley asked Planning Commission Chair Richard Carrigan to approach the dais. Mayor Jennings asked Mr. Carrigan if the Planning Commission had authorized Mr. Carrigan to speak on behalf of the commission. Mr. Carrigan said no. He explained that he was asked to respond to questions, not make general comments.

Councilmember House disclosed that she had received a call from Kim Silver and her attorney. She received two calls from Patt Healy who also provided written material to Councilmember House.

Mayor Pro Tem Kearsley stated he met with the Silvers and Mike Barsoccini regarding their thoughts on the height restriction. He stated they discussed issues involved in landscape easement. He stated he spoke with Patt Healy on the telephone about the history of the project and she transmitted her packet of information.

Councilmember Barovsky stated she received a call from Patt Healy to whom she explained she does not participate in ex parte communications. She stated Ms. Heally dropped off a packet of information. Councilmember Barovsky stated she received a message from Mrs. Silver and left a return message saying she does not participate in ex parte communications. She stated she had received a fax from Ms. Silver regarding prior coastal approvals. She stated she had spoken with Planning Commission Chair Richard Carrigan regarding the process. She stated she met with a neighbor who had concerns about drainage.

Mayor Pro Tem Kearsley added that he spoke with Mr. Carrigan asking him to come to the meeting.

Mayor Jennings stated he had spoken to no one other than Mr. Kozal. He stated he had received a phone message from Mrs. Silver requesting a meeting that he was unable to return. He received a packet from Ms. Heally.

Mayor Pro Tem Kearsley discussed the Planning Commission's prior practice regarding the Chair representing the Commission. City Attorney Hogin stated the Planning Commission speaks through its resolutions and by majority.

Mayor Pro Tem Kearsley asked Mr. Carrigan about the process and issues addressed by the Planning Commission. Planning Commission Chair Carrigan discussed the Planning Commission's review of neighboring projects adjacent to the Silver property. He stated the Planning Commission had reviewed the discretionary height of the second story. He stated the Commission looked at substantial front yard setback and side yard setbacks. He stated over 95% of the property was open space. He explained that he had met with the appellant to explain the review conducted by the Planning Commission. He stated no single member of the Planning Commission liked the project, however the Commission voted to approve the project.

Councilmember House asked what the Council could address. City Attorney Hogin explained that the matter was a de novo hearing. Councilmember House asked if the Council was limited to discuss those issues on appeal. City Attorney Hogin stated the issues on appeal were before the Council for decision.

Mayor Pro Tem Kearsley asked about the depiction of landscape by Mr. Goldman. Mr. Brantly explained the landscape conditions.

Councilmember House asked about Mr. Goldman's appeal and landscaping requirements. Mr. Goldman corrected comments by Richard Carrigan. He discussed alleged misstatements.

Mayor Jennings asked how the 42" landscaping height was derived. Planning Director Purvis explained that the height limit was derived to limit landscaping to 42" at the property line. Mr. Kozal stated the public views would be from the centerline of Pacific Coast Highway not the property line. Mr. Brantly explained that the landscaping was limited to protect the view corridor.

Mayor Pro Tem Kearsley asked the grade differential from center line to outer lane of Pacific Coast Highway. Mr. Brantly estimated 12 inches from crown to curb.

Councilmember Barovsky questioned the appropriateness of the Council making a decision on the appeal prior to Coastal Commission approvals. Mr. Kozal stated he had not reviewed the prior approvals. Councilmember Barovsky asked if Mr. Kozal had received the packet provided by Ms. Heally. Mr. Kozal stated he had not seen the packet. Councilmember Barovsky stated she had questions regarding the packet but the applicant had not reviewed the information. City Attorney Hogin stated the property owner should have the opportunity to respond to the information presented by Patt Heally if it might influence the Council.

Mr. Kozal indicated support for hearing Councilmember Barovsky's questions and then being allowed to review the information presented by Ms. Heally.

Councilmember Barovsky indicated questions she had based on the information presented by Ms. Heally.

**RECESS** Mayor Jennings called a recess at 9:15 p.m. The meeting reconvened at 9:30 p.m. with all Councilmembers present except Councilmember Stern.

Councilmember Barovsky asked if the Coastal Commission had retained jurisdiction for projects in the pipeline. City Attorney Hogin explained that the Coastal Commission had not yet done anything but was attempting to retain jurisdiction of approved projects.

Councilmember House asked Mr. Kozal if he had any comments. Mr. Kozal discussed the information included in Ms. Heally's packet.

Mayor Jennings discussed the proposed LCP and Coastal Commission's retained jurisdiction.

Councilmember Barovsky asked what would happen to a deadlock vote. City Attorney Hogin explained the Municipal Code provision regarding deadlock votes making the Planning Commission decision final.

Mayor Pro Tem Kearsley stated it was feasible to build a home at 18 feet on the size of the property. He expressed concern about the proposed landscaping. He stated it was imperative to protect both public and private views. He stated he would vote to protect the public view sheds.

Councilmember House stated it was necessary to protect the public and private views and view corridors. She stated the house should be retained at 18 feet maximum height. She stated it was necessary to review the landscape ordinance. She stated she could not support the project.

**MOTION** Councilmember Barovsky moved and Mayor Pro Tem Kearsley seconded a motion to continue the project for the purpose of allowing the applicant to obtain information from the Coastal Commission as to how the Commission analyzed view impact and that the hearing be continued.

Mr. Kozal stated a Coastal application could not be filed without approval in concept from the City.

Mayor Jennings discussed the views of the project from Pacific Coast Highway. He expressed concern about the planting easement and stated he did not believe there was any justification for the 42" restriction. He stated he was inclined to support Mr. Goldman's suggestion to limit plantings. He stated his inclination was to allow the project to go forward.

City Attorney Hogin explained that the Council could approve the project with the structure height reduced.

Councilmember House asked if there were drainage issues. Senior Planner Rice explained that the City Geologist and the City Geotechnical Engineer had been present at the Planning Commission meeting to discuss drainage issues.

Councilmember Barovsky asked if the Council could approve the project and condition it not to exceed 18 feet in height. City Attorney Hogin indicated yes.

The question was called and the motion carried 3-1, Councilmember House dissenting.

**MOTION** Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to continue the hearing to October 28, 2002. The motion carried 3-1, Mayor Jennings dissenting.

Councilmember Stern returned to the dais at 10:12 p.m.

**ITEM 5 OLD BUSINESS**

- A. Local Coastal Plan Update – Discussion of the Coastal Commission’s August 2002 Land Use Plan and Implementation Program and an Opportunity for Public Input in Order for the City to Evaluate the Potential Affects of the California Coastal Commission’s Proposals and Consider its Information and Community Awareness Efforts

Staff recommendation: After public input, continue discussion to the September 23, 2002 City Council meeting.

City Manager Lichtig presented the staff report.

Norm Haynie discussed the Coastal Commission’s policies and discretion.

John Mazza discussed marine resources as proposed in the Final Draft LCP. He encouraged Malibu residents to attend the Coastal Commission hearings.

Ted Vaill indicated objection that the Malibu Coastal Land Conservancy was given equal time to rebut the City’s testimony. He suggested that the City object.

**ITEM 6 NEW BUSINESS**

**ITEM 7 COUNCIL ITEMS**

- A. Request for Letter of Support for Sustainable Building Policy at Santa Monica College

Staff recommendation: Direct staff as deemed appropriate.

City Clerk Pope presented the staff report.

Councilmember Barovsky stated she did not have a problem writing a letter supporting good environmental practices. She stated she could support the first and last paragraph.

**MOTION** Councilmember Barovsky moved and Councilmember House seconded a motion to send a letter of support including the first and last paragraph of the sample letter.

Councilmember Stern stated there was no analysis and the City should not be telling the College Board how to spend their money. He stated he would not support sending a letter.

Councilmember House stated she would support the motion to alert the College that the City was interested in protecting the environment.

Mayor Pro Tem Kearsley indicated support for the motion.

#### AMENDMENT

Councilmember Barovsky amended the motion to create an ad hoc committee to draft a letter to be brought back to the Council. Councilmember House accepted the amendment.

Mayor Jennings stated no analysis had been conducted and stated it was unwise to send a letter without details.

The question was called and the motion carried 3-2, Mayor Jennings and Councilmember Stern dissenting.

B. Resolution Supporting Measure B, a Special Tax to support the Preservation of Trauma Centers and Emergency Medical Services and Respond to Acts of Bioterrorism

Staff recommendation: Consider adopting Resolution No. 02-37 supporting the November 5, 2002 Election ballot measure for preservation of trauma centers and emergency medical services.

Mayor Jennings presented the report.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to adopt Resolution No. 02-37 supporting the November 5, 2002 Election ballot measure for preservation of trauma centers and emergency medical services. The motion carried unanimously.

C. Resolution Supporting Los Angeles County's Request that State and Federal Governments Renew the County's Section 1115 Medicaid Waiver

Staff recommendation: Consider adopting Resolution No. 02-39 requesting the State of California and the United States Department of Health and Human Services immediately act to renew the 1115 Medicaid Waiver.

Mayor Jennings presented the report.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to adopt Resolution No. 02-39 requesting the State of California and the United

States Department of Health and Human Services immediately act to renew the 1115 Medicaid Waiver. The motion carried unanimously.

**ADJOURN** At 10:32 p.m., Councilmember House moved and Councilmember Barovsky seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of  
the City of Malibu on October 14, 2002.

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JEFFREY D. JENNINGS, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)